

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-27 are pending. Claims 3-6, 14-17 and 22-24 have been amended herein. No new matter has been added.

Replacement drawing sheets are also submitted herewith.

Information Disclosure Statement

The Examiner has indicated that the listing of references in the specification is not a proper information disclosure statement. Specifically, Applicants cite Figure 2 as prior art but fail to disclose the source and has not submitted an IDS.

Applicants do not understand a requirement to provide a source for knowledge that is well known to those skilled in the art. The specification clearly states that the information of Figure 2 is well known to those skilled in the art and Applicants do not have a specific reference from which the information was obtained. As such, Applicants are not aware of any particular reference for which an IDS can be submitted.

Furthermore, the MPEP states:

704.14 Making a Requirement for Information

A requirement for information under 37 CFR 1.105 should be narrowly specified and limited in scope. It is a significant burden on both the applicant and the Office since the applicant must collect and submit the required information and the examiner must consider all the information that is submitted. A requirement for information is only warranted where the benefit from the information exceeds the burden in obtaining information.

Drawings

Figure 2 has been amended to indicate "Prior Art." A replacement Figure 2 is provided herewith the present response.

The drawings are objected under 37 CFR 1.83(a) because they fail to show the conditions required to move from state 414 to 418 in Figure 4, and fail to show the conditions required to move from state 412 to 414 in Figure 4, as described in the specification.

Applicants have amended Figure 4 and have provided a replacement Figure 4 herewith the present response. Applicants have added the tag "qualified success achieved" to the connection between 412 and 414. Additionally, Applicant has added the tag "failure message received" to the connection between 414 and 418. Applicants respectfully request the objection to Figure 4 be removed.

The drawings are objected to because the label is missing on item 310 in Figure 3. Applicants have amended Figure 3 and have provided a replacement Figure 3 herewith the present response. Applicants have added the tag "clock" to element 310. Applicants respectfully request the objection to Figure 3 be removed.

Rejection under 35 U.S.C. §112

Claims 3-6, 14-17, 22-24 are rejected under 35 U.S.C. 112, second paragraph for insufficient antecedent basis for the term “reset.” Applicants have amended Claims 3-6, 14-17, and 22-24 to more distinctly claim the term “reset.” Particularly, Applicants have amended the term “reset” to read “reset to a predetermined value” to clearly define the term. Applicants respectfully request the rejection to claims 3-6, 14-17 and 22-24 be removed.

Rejection under 35 U.S.C. §103 (a)

Claims 1-2, 7-13, 18-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0139193 (Refai) in further view of US 2004/0267823 (Shapiro). The rejection is respectfully traversed for the following rational.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).

Applicants have reviewed Refai and do not understand Refai to teach a “first journaling proxy being associated with a first target element of said plurality of target elements, said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element,” as claimed. In fact, applicants do not understand Refai to teach or suggest a journaling proxy associated with a target element at all.

Refai may teach delaying servicing of a PCR until the start of the viable window (when the PCR is not attended), but this is not performed by a journaling proxy associated with a target element and is not the same as a “proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element,” as claimed. In the described scenario of

Refai, delaying servicing occurs “unattended operation” meaning when an operator is not interacting with the PCR. (Refai, paragraphs 82-95).

Shapiro fails to remedy the deficiencies of Refai. Specifically, Shapiro fails to teach or suggest “first journaling proxy being associated with a first target element of said plurality of target elements, said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element,” as claimed.

Shapiro teaches a reconcilable file system (RFS) proxy that provides a reconciliation engine 212 with object constraints that present a relationship between primitive actions from two clients (paragraph 38). The RFS proxy of Shapiro does not “intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element,” as claimed, but merely provides object constraints to the reconciliation engine.

For this rational, Applicants submit that neither Refai nor Shapiro, alone or in combination teach or suggest all of the claimed features of the present invention as set forth in Independent Claims 1, 12 and 20. As such, applicants believe Claims 1-2, 7-13, 18-21 and 25-27 are patentable over Refai in view of Shapiro and respectfully request the rejection be removed.

Claims 3-6, 14-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refai in view of Rockwell Automation's non-patent literature publication 1785-6.1 (Rockwell). The rejection is respectfully traversed for the following rational.

As stated above, Refai may teach delaying servicing of a PCR until the start of the viable window (when the PCR is not attended), but this is not performed by a journaling proxy associated with a target element and is not the same as a "proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element," as claimed. In the described scenario of Refai, delaying servicing occurs "unattended operation" meaning when an operator is not interacting with the PCR. (Refai, paragraphs 82-95).

Rockwell fails to remedy the deficiencies of Refai. Specifically, Rockwell fails to teach or suggest "first journaling proxy being associated with a first target element of said plurality of target elements, said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element," as claimed.

For this rational, Applicants submit that neither Refai nor Rockwell, alone or in combination teach or suggest all of the claimed features of the present invention as set forth in Independent Claims 1, 12 and 20. As such, applicants believe Claims 3-6, 14-17 and 22-24 are patentable over Refai in view of Rockwell and respectfully request the rejection be removed.

CONCLUSION

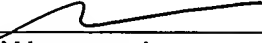
Based on the arguments presented above, Applicants respectfully assert that Claims 1-27 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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